

REMARKS

Claim Rejections 35 USC 103

Respectfully there is a lack of suggestion in the prior art of the desirability of combining references: The Cooking of India in view of Powell, Brotsky and British patent 18,345.

Secondly, examiner's conclusion of obviousness may be based on improper hindsight reasoning.

Thirdly, the prior art cited is nonanalogous whereas the prior art is limited only to seafood.

Numerous secondary considerations are argued based on the 132 declaration and attached studies.

There is a long felt but unsatisfied need for treatment of food to extend shelf life without compromising the taste, with such elements which have been long available.

Further, there are unexpected results in using this invention such that in paragraph E and F of the declaration, it states that there is a much broader spectrum of microbiological control properties stemming from the current invention. The current invention provides several factors to produce an uninhabitable environment for bacteria with the combination of a low pH and the absorption of the much needed oxygen. The results of using this invention greatly surpasses the use of any of the prior art methods.

Additionally, the cited of patent No. 3,843,805 should not be used in a obviousness rejection because it does not relate to the current invention. None of the active ingredients used is resident in the current invention.

Lastly, since this invention deals with food, taste is a very important consideration. The use of the prior art in order to obtain bacteria control results anywhere near the current invention will necessarily be in such concentrations which interfere with a person's enjoyment of that particular food.

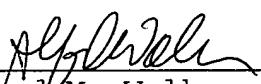
No new matter is introduced to the specification by the foregoing amendment.

It is submitted that the Claims, as amended, are allowable, which allowance is earnestly solicited.

Prior to an examination on the merits, please enter the foregoing preliminary amendment.

Respectfully submitted,

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Date: April 15, 2005


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